IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

MONDAY, THE 12TH NOVEMBER 2007 / 21ST KARTHIKA 1929

WP(C).No. 28867 of 2007(J)

PETITIONER:

K.K.KURUVILA, KOMPAMGERIL VEEDU,
KIZHAKKUMBHAGOM P.O.,NIRANOM,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.R.SURAJ KUMAR
SMT.GEETHA P.MENON

RESPONDENTS:
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1. **STATE OF KERALA REPRESENTED BY SECRETARY TO GOVT.OF KERALA,DEPARTMENT OF HOME, GOVT.SECRETARIAT,THIRUVANANTHAPURAM.**

2. **DIRECTOR GENERAL OF POLICE, POLICE HEAD QUARTERS, HOME, GOVT.SECRETARIAT, THIRUVANANTHAPURAM.**

3. **DY.SUPERINTENDENT OF POLICE, PATHANAMTHITTA.**

4. **THE CIRCLE INSPECTOR OF POLICE, THIRUVALLA.**

5. **SUB INSPECTOR OF POLICE, PULIKKEEZHU.**

6. **GEORGE VEERAN,PUTHENPARAMBIL, KIZHAKKUMBHAGOM P.O.,NIRANOM, THIRUVALLA,PATHANAMTHITTA DISTRICT.**

BY ADV. SRI.S.SUBHASH CHAND for R6
BY GOVERNMENT PLEADER SRI. SALIM P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

WPC.NO.28867/2007 J

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF REPRESENTATION DTD. 2/06/2007 SUBMITTED BY THE PETITIONER BEFORE THE PUNJA SPECIAL OFFICER, ALAPPUZHA.**

EXT.P2: **COPY OF COMPLAINT DTD. 18/06/2007 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.**

EXT.P3: **COPY OF COMPLAINT DTD. 31/07/2007 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT.**

6TH RESPONDENT'S EXHIBITS:

EXT.R6(A): **COPY OF THE REPRESENTATION DTD. 9/06/2005 SUBMITTED BEFORE THE PUNJA SPECIAL OFFICER, ALAPPUZHA.**

EXT.R6(B): **COPY OF THE REPRESENTATION DTD. 16/02/2006 SUBMITTED BEFORE THE PUNJA SPECIAL OFFICER, ALAPPUZHA.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

K.P.BALACHANDRAN, JJ.

W.P.(C) NO. 28867 OF 2007-J

Dated 12th November, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner is the Convener of a Padasekhara Samithy. There is some dispute between the said Samithy and the 6th respondent regarding payment of Nerma, which is the pro-rata charges payable by the farmers towards dewatering of the paddy fields. The petitioner submits, the Samithy is being threatened by the 6th respondent, as it demanded payment of the Nerma due from him. Therefore, the petitioner filed Ext.P1 representation before the Puncha Special Officer and Exts.P2 and P3 representations before the Deputy Superintendent of Police and Sub Inspector of Police respectively. Thereafter, this writ petition is filed, seeking protection to his life and that of his family members and workers. The petitioner also seeks protection for his property.

2. The 6th respondent has filed a counter affidavit, denying all the allegations against him. He specifically denies the allegation made against

him that he is threatening the petitioner and his family members.

3. The learned Government Pleader, upon instructions, submitted that upon receipt of the representations from the petitioner, the parties were summoned to the Police Station and strictly warned to maintain peace.

4. Having regard to the facts of the case and also the averments in the representations of the petitioner, we feel that the petitioner has moved for police protection, only based on certain apprehensions. The representations filed by him were in June/July, 2007. In those representations he voiced the apprehension that during the harvesting season in September, some untoward incident may happen. But, September and October have passed without any incident. Therefore, we notice that the apprehension of the petitioner was totally unfounded. So, we are of the view that no positive direction need be issued to the police. But, if any information regarding cognizable offence is received, either from the part of the petitioner or the 6th respondent, the police shall look into the same and take appropriate

action in accordance with law.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

K.P.BALACHANDRAN, JUDGE.

Nm/